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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,122	07/28/2000	Candice Hellen Brown Elliot	CLRV-001	2606

42304 7590 04/19/2004

CLAIRVOYANTE, INC.
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SEBASTOPOL, CA 95472

EXAMINER

HAVAN, THU THAO

ART UNIT	PAPER NUMBER
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2672

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DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,122

Applicant(s)

ELLIOT, CANDICE HELLEN
BROWN

Examiner

Thu-Thao Havan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 16-20, 31-39 and 42-46 is/are allowed.
- 6) ☒ Claim(s) 6, 11, 21, 26, 40, 41, 47 and 48 is/are rejected.
- 7) ☐ Claim(s) 7-10, 12-15, 22-25, 27-30 and 49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20, 21, and 22</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 7-10, 12-15, 22-25, 27-30, and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to anticipate or rendered obvious the technical features of claims 7-10, 12-15, 22-25, and 27-30. The prior art fails to teach or suggest green emitters are polygonal each having an inwardly-facing edge parallel to a side of polygonal blue emitter and blue emitter is four-sided having equal internal angles each having corners aligned at x and y axes of rectangular coordinate system.

Re claim 49, the prior art fails to anticipate or rendered obvious the claimed features of each emitter is capable of being driven with a variable analog signal

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 6, 11, 21, 26, 40-41, and 47-48 are rejected under 35 U.S.C. 102(e) as being unpatentable by Phan (US application no. 2003/0218618).

Re claims 6, 11, 21, and 26, Phan discloses a three-color pixel element for a display comprising a pair of red emitters symmetrically disposed about an origin of a rectangular coordinate system having four quadrants in a first pair of opposing quadrants (figs. 9.7-12), a pair of green emitters symmetrically disposed about origin of rectangular coordinate system in a second pair of opposing quadrants (col. 3, lines 14-63; fig. 12), and a blue emitter disposed at origin of rectangular coordinate system blue emitter having an emitting area larger than that of each red emitters and green emitters (figs. 6-8 and 12). In other words, Phan discloses pixel resolution wherein the static pixels are arranged in a predetermined manner. In figures 10a to 11b, Phan discloses the blue emitter being larger then the green or red emitters. The emitters are in rectangular coordinate system. In that he discloses a display comprising rectangular pixels with the resolution increased by formulation of the pixels, with x being the number of horizontal pixels and y the number of vertical pixels. His system adjusts the light emitting area (i.e. pair of green emitters, pair of red emitters, and a blue emitter) and space of different individual elements in a pixel contoured by black mask or barrier ribs of the same structure to optimize the luminance and the brightness of a display.

Re claims 40-41 and 47-48, Phan teaches an image capture device substantially comprising a plurality of three-color pixel elements each three-color pixel element comprising a blue emitter, a pair of red emitters, and a pair of green emitters (figs. 9.7-

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12) such that red emitters and green emitters form substantially a checkerboard pattern upon image capture device (fig. 12). In other words, Phan discloses a square shape pixels comprise regularly disposed dots radiating the basic colours red (red dot), green (green dot) and blue (blue dot). His system displays square static pixels. Static pixel corresponds to a well known grid pattern or raster of display. The dynamic pixels shown in a circular form. Each dynamic pixel comprises three dots representing the basic colours, as does each static pixel. In addition, his system adjusts the light emitting area (i.e. pair of green emitters, pair of red emitters, and a blue emitter) and space of different individual elements in a pixel contoured by black mask or barrier ribs of the same structure to optimize the luminance and the brightness of a display. In that the system is implemented in a dual mode (HDTV video mode and Computer text mode) in an HDTV enable WebTV for internet browsing as well as for watching HDTV quality video.

Allowable Subject Matter

Claims 1-5, 16-20, 31-39, and 42-46 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to anticipate or rendered obvious the technical features of each emitter is connected to a driver and at least two neighboring blue emitters in a row are connected to the same driver. Furthermore, the prior art of records fails to disclose a fifth column line coupled to fifth column line driver, fifth column line coupled to second red emitter and first green emitter of second three-color pixel element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Akinwande et al., US patent no. 5,646,702

Lockwood, US patent no. 5,729,244

Hansen, US Patent No. 6,147,664

Anderson et al., US Patent No. 6,151,001

Stahl, US Patent No. 6,005,692

Rorison et al., US Patent No. 6,628,068

Smith, US Patent No. 6,262,710

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan
Art Unit: 2672
April 1, 2004



MICHAEL RAZAVI
SUPERVISORY EXAMINER
TECHNOLOGY CENTER